

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
LAREDO DIVISION

United States District Court  
Southern District of Texas  
FILED

DEC - 9 2014

David J. Bradley, Clerk  
Laredo Division

UNITED STATES OF AMERICA

§

V.

§

§ CRIM. ACTION NO. 5:05-CR-1659-7

FIDEL TORRES

§

**ORDER**

Defendant has filed a motion for a sentence reduction pursuant to Amendment 782 to the United States Sentencing Guidelines. For the following reason(s), Defendant's motion (Dkt. No. 338) is hereby **DENIED**:

- Defendant's projected release date is prior to November 1, 2015. *See U.S. SENTENCING GUIDELINES MANUAL § 1B1.10(e)(1).*
- The Amendment does not lower Defendant's guideline range because of a controlling statutory minimum. *See id. § 5G1.1(b).*
- The low end of Defendant's amended guideline range is greater than the sentence Defendant received, and Defendant did not receive a downward departure based on substantial assistance to the Government. *See id. § 1B1.10(b)(2)(A)–(B).*
- The Amendment does not lower Defendant's guideline range based on the quantity of drugs used to calculate Defendant's original guideline range.
- Defendant was not sentenced based on a guideline range calculated using the Drug Quantity Tables in § 2D1.1 or § 2D1.11.
- Defendant qualifies for sentence reduction, but the Court will not grant the reduction because of behavior while in custody. *See 18 U.S.C. § 3553(a).*

It is so ORDERED.

SIGNED this 9th day of December, 2014.

  
George P. Kazen  
Senior United States District Judge